

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8036 -2019(O&M)

Date of decision: 03.07.2019

Sandeep

.....Petitioner

versus

The State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Ms.Sarla Chaudhry, Advocate for the petitioner
Mr.Tanuj Sharma, AAG Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner has impugned the order dated 10.9.2018 (Annexure P1) passed by Divisional Commissioner, Karnal Division, Karnal, vide which, case of the petitioner for furlough was rejected in the public interest.

Petitioner is undergoing life imprisonment in a murder case after being convicted by the Court of learned Additional Sessions Judge, Rohtak vide judgment and order dated 8.1.2014. Appeal against the said judgment is pending before this Court.

Learned State counsel has filed reply in Court. The same is taken on record.

Reply shows that out of seven cases alleged against the petitioner, the petitioner is acquitted in four cases, in one case he has undergone the imprisonment and in other two cases, he is on bail. Furlough

of the petitioner has been declined on the ground that 9 other cases are pending against him and he is habitual offender. There is also apprehension of breach of peace in the village. In the petition, it is alleged that the petitioner availed six weeks parole from 18.12.2017 to 30.1.2018 and surrendered within time before jail authorities. Certificate of the jail authorities is annexed as Annexure P2. Said averment has not been denied in the reply that the petitioner availed earlier parole, as mentioned above. There are no allegations that in the jail, his conduct is not satisfactory. It is also not alleged that after availing the parole, the petitioner committed any offence. Therefore, the ground that nine cases are pending against the petitioner, which pertain prior to the year 2017, is not sustainable in the eyes of law. Apprehension of breach of peace in the village is only imaginary.

It being so, the impugned order dated 10.9.2018 (Annexure P1) is not sustainable in the eyes of law and the same is hereby set aside. The petitioner is ordered to be released on furlough as per his entitlement on furnishing adequate surety to the satisfaction of District Magistrate concerned.

Petition is accordingly allowed.

03.07.2019
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No